

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

**STUDENT A, STUDENT B, STUDENT C,
and STUDENT D, individually and on
behalf of all others similarly situated,**

Plaintiffs,

v.

**LIBERTY UNIVERSITY, INC., d/b/a
LIBERTY UNIVERSITY,**

Defendant.

Case No. 6:20-cv-00023-NKM

JURY TRIAL DEMANDED

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY
REGARDING DEFENDANT'S MOTION TO DISMISS**

COME NOW the Plaintiffs, by counsel, and submit *Milanov v. University of Michigan, et al*, Case No. 20-000056-MK, 2020 Mich. Ct. Cl. LEXIS 1 (Mich. Ct. Cl. July 27, 2020), attached hereto as Exhibit 1, as supplemental authority in relation to Defendant's Motion to Dismiss (Dkt. No. 23). The *Milanov* plaintiffs sued the University of Michigan for breach of contract and unjust enrichment due to the University's refusal to give prorated refunds as part of its response to the COVID-19 pandemic. Notably, those plaintiffs sought relief based on tuition, room and board, and miscellaneous fees, whereas the Plaintiffs here only seek relief based on room and board and miscellaneous fees. The defendants sought dismissal on many of the same grounds asserted by the Defendant here. The trial court denied the University's motion to dismiss. Plaintiffs respectfully suggest that this decision supports their position, especially as to Liberty's request for dismissal of Count I (breach of contract) and Count II (unjust enrichment).

Respectfully submitted,

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**Admitted Pro Hac Vice*

Counsel for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Supplemental Authority was filed on August 17, 2020, using the Court's CM/ECF electronic filing system, which will cause a copy of notice of such filing to be sent to all counsel of record.

/s/ E. Kyle McNew